



Planning Department

TOWN OF ACTON
472 Main Street
Acton, Massachusetts 01720
Telephone (978) 264-9636
Fax (978) 264-9630
planning@acton-ma.gov

MEMORANDUM

To: Planning Board **Date:** January 26, 2010

From: Roland Bartl, AICP, Planning Director 18-13

Subject: Application for Personal Wireless Facility (PWF) Special Permit
SBA Towers II, LLC

The application, plan, and supporting materials are attached. Also attached are departmental review comments, and a memorandum from Broadcast Signal Lab (BSL), the Board's technical review consultant (funding for this service is provided by the applicant). David Maxson of BSL will attend the hearing. He has assisted the Board on previous PWF special permit application. His expertise and advice help with many aspects of PWF applications, especially with the determination of whether or not there exists a significant coverage gap in a carrier's personal wireless service network and with the evaluation of alternative locations for the tower, and/or for the proposed carriers' antennae and equipment on other existing towers.

Location:	5-7 Craig Road
Town Atlas map/parcels:	H-4/13 & 45
Zoning:	LI (Light Industrial)
Applicant:	SBA Towers II, LLC 5900 Broken Sound Parkway Boca Raton, FL 33487 c/o Kevin S. Ericksen, Esq.
Lot size:	3.65 acres
Record owner:	Palmer Realty, 5-7 Craig Road, Acton, MA
Application received:	December 4, 2009
Hearing opens:	February 2, 2010
Decision due date:	May 3, 2010

Please review other departmental comments provided in the package.

Planning Department Comments follow. Plans reviewed are P.E. stamped on 12/02/09; documents reviewed were under cover letters by Kevin S. Eriksen, dated 12/4/09, 12/7/09, and 1/7/10. This review is done with the zoning bylaw, section 3.10 and its sub-sections, as a check list. Please review section 3.10 for definitions, applicability, special permit standards, etc.

There are rules and regulations for special permits for Personal Wireless Facilities. I believe the application, once completed (see notes below), would substantially comply with the rules although I did not check them item by item. This review largely goes through 3.10 sub-section numbers sequentially calling out only those where I have a comment, observation, note, or question.

1. ZBL 3.10.4.4 – Is any lighting proposed for the equipment compound? If yes, it must comply with ZBL 10.6 concerning light trespass and glare.
2. ZBL 3.10.6.3 – The applicant should specify which of the two allowed methods was used for determining the height of the tower.
3. ZBL 3.10.6.4 – The applicant has requested a waiver from the CAM (concealed antenna monopole) requirement to allow a monopole with externally mounted antennae. This section requires use of CAM in general, but provides for a waiver where aesthetic considerations are less important. This is a judgment call for the Board to make. I recommend not granting the waiver. Although the results of the balloon test are not yet in at the time of this writing, it is fair to say that the location is highly visible from a large area. Acton residents in many public planning sessions over the years have repeatedly identified the open fields and vista in this area of Town as a highly valuable asset. The Craig Road industrial park lies in a low spot and thus has not been a significant detractor. The proposed tower will be a change. Using a CAM would reduce the visual impact.
4. ZBL 3.10.6.5 – The tower is proposed at the maximum allowed height. There are currently two carriers with intent to locate equipment on the tower. The plans show accommodations for three more antenna arrays for a total of five. Why not at least six? How does a change to a CAM affect the tower's co-locator capacity? What is the minimum feasible vertical space needed for an antenna array in a CAM and what is the minimum feasible vertical separation needed to between antenna arrays of different carriers?
5. ZBL 3.10.6.9 – In the event of an approval, the Board should consider incorporating in a decision of approval all requirements a) through e) of this section. They are aimed to facility maximum use of any tower that is approved consistent with the purposes stated in section 3.10.1.
6. ZBL 3.10.6.10 – The plan show adequate fencing. But, I did not see a specific installation to prevent unauthorized climbing as required in this section. The Board should review the proposed landscaping and evaluate if the proposed fence & plantings are sufficient to meet the 3.10.6.10 standard.
7. ZBL 3.10.6.11 – Provides that the Planning Board may require that all ground be placed inside a building. This does not seem necessary or appropriate here.
8. ZBL 3.10.6.12 – I have not received requests for Town owned devices to be placed on this tower. Fire and Police defer to IT. IT comments are outstanding. The applicant has not requested approval for the placement on the proposed tower of any equipment that is not associated with a Personal Wireless Service.
9. ZBL 3.10.6.13 – If the tower is approved, this section must be incorporated into the decision of approval to ensure proper removal of the tower if and when its use has ended.
10. ZBL 3.10.6.14 – Provides that the Planning Board when granting a special permit may require future report filings with the Town certifying continued compliance with zoning and the special permit, and all applicable State and Federal requirements. Given the location, I would not find it necessary or useful to require such reports more frequently than every five years.

11. ZBL 3.10.6.16 – A balloon test took place in 1/23/10. The date was announced in the newspaper and on the Town web site. From this test, the applicant will prepare a visibility report as required in this section. At present, this report is still outstanding.
12. ZBL 3.10.6.17 b) through e) – At the hearing the applicant should be prepared to
 - explain the rationale and process for selecting this particular site;
 - demonstrate that there exists a significant gap for the proposed carriers that this facility can address;
 - explain how the proposed facility provides service coverage to the significant gap;
 - address the availability/feasibility of co-location on existing towers in Acton or Concord by the proposed carriers;
 - report on investigations of other potentially suitable sites for this tower; and
 - report on possible other available methods to provide service to the significant gap such as a lower tower, smaller repeater devices, etc., with implications, consequences, and effects for each such alternative.

I defer to the technical review and verbal contribution at the hearing by David Maxson, Broadcast Signal Lab, to assist and advise the Board on evaluating the applicant's statements in these matters.

13. ZBL 3.10.6.17 g) – The plans for the proposed tower specify galvanized steel or other color. The color should be specified; typically a light gray works best. Galvanized steel might too shiny, at least in the beginning.
14. ZBL 3.10.6.17 j) –
 - The application contains a copy of an FCC website page. I am not clear whether or not it actually represents the FCC license for Clearwire and T-Mobile. The Town's file on this application should have copies of the actual FCC licenses for both carriers as Personal Wireless Services for this region as defined in section 3.10.3.9.
 - The applicant should provide evidence that the facility complies with Mass DPH regulations.

15. Other:

- The proposed tower appears to comply with all setback requirements of the bylaw.
- While a driveway from Craig Road to the tower and equipment compound is delineated within a specified lease area, it is my understanding that the proposal is to actually use the existing gravel surface on the lot for access without much improvements, if any.
- The zoning table on the plan shows open space at +/-81% and impervious cover at +/-68%, this needs correction.
- Aerial views indicate, and a site drive-by confirms, that the area where the tower and equipment compound are proposed is presently used for truck parking by the property owner, who runs a warehouse/distribution/moving business. The owner should explain how this proposed change will affect truck operations, and particularly whether or not any changes will cause a spill over into Craig Road, a public way.
- ZBL Section 10.3, the general section of the zoning bylaw for special permits, provides that the special permit granting authority may require the installation of a sidewalk along the entire frontage. In this case, if the special permit is granted, I recommend that the applicant

be given the alternative choice to contribute to the Town of Acton sidewalk fund: \$50/linear foot * 445 feet = \$22,250.

- The site's current build-out is at approximately FAR 0.18. The zoning maximum is FAR 0.20. If the internal floor to ceiling height of the proposed and potential future equipment shelters is more than 6 feet, they will add to the existing floor area on the site, bring the FAR number closer to, but not exceeding, the FAR 0.20 limit.

cc: Planning Department
David Maxson
Applicant

I:\planning\planning board\docs\sba towers.pwf - 5 craig road.doc

TOWN OF ACTON
472 Main Street
Acton, Massachusetts, 01720
Telephone (978) 264-9628
Fax (978) 264-9630

Engineering Department

INTERDEPARTMENTAL COMMUNICATION

To: Planning Department

Date: January 25, 2010

From: Engineering Department

**Subject: Wireless Communication Facility Special Permit – 5-7 Craig Road
SBA Towers II, LLC**

We have reviewed the above-mentioned plans for 5-7 Craig Road dated December 2, 2009 and have the following comments:

1. The contractor will be required to apply for a Permit to Construct within a Public Way for any work shown in the right of way for Craig Road such as the new underground utility line(s) at utility pole #4.
2. The applicant has no proposal for a sidewalk in conjunction with this project. There are no sidewalks on Craig Road.
3. The Driveway Detail on sheet the Site Details sheet (sheet C-3) should also incorporate the required driveway apron for the vehicle scale. Maintaining the existing paved apron will help to reduce the amount material being tracked onto Craig Road. If any improvements are made to the paved driveway apron, the engineer should make sure that the access is access for an emergency SU-30 vehicle (fire truck). The site, as it exists right now, is a cleared flat gravel lot.

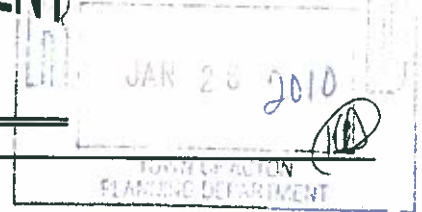


4. The Town regulation requires the elevations to reference the NGVD of 1929. The information on the plans refers to the NAVD of 1988. The engineer should add a note on

the plans to provide a conversion factor from NAVD of 88 to NGVD of 1929.

5. If the applicant intends to have any outdoor lighting at the new facility such as for security, the engineer needs to show this on the plans and include some details relating to the type of light that will be used.
6. The proposed wireless communication facility is shown on Parcel 45 on Town Atlas Map H-4. Our records indicate the assigned street address for this parcel is 5 Craig Road. It has been brought to our attention that the abutter on the southerly side of the locus (Parcel 46 on Town Atlas Map H-4) is using 5 Craig Road as their mailing address. Our records indicate that this abutter should be using 3 Craig Road as their mailing address; not 5 Craig Road. The abutting property (Parcel 13 on Town Atlas Map H-4) on the northerly side of the locus is assigned 7 Craig Road as their street address. This issue will need to be resolved in order to assign a street address for the proposed facility.

ACTON PLANNING DEPARTMENT
Inter-departmental Memo
978-264-9636



Date: December 18, 2009

To: Assessors
Conservation Commission
Fire Department ✓
Municipal Properties
Water District
Historical Commission
Building Commissioner
Engineering Administrator
Health Department
Police Department, fyi
Information Technology Department
Town Manager's Office, fyi

From: Kim DelNigro, Secretary *KD*

Subject: Review of a Wireless Communications Facility Special Permit at 5 - 7 Craig Road

Attached is an application for a Special Permit for a Wireless Communications Facility – 5-7 Craig Road. General information about the address is as follows:

Location: 5-7 Craig Road
Applicant: SBA Towers II, LLC
Address: 5900 Broken Sound Parkway
Boca Raton, FL 33487
Record Owners: Palmer Realty
5-7 Craig Road
Acton, MA 01720
Attorney for Applicant: Kevin S. Ericksen, Esq.
Area of site: 3.65 acres
Map: H-4
Parcel: 45 & 13
Zoning: LI
Decision Date: May 3, 2010

Please review the enclosed application and send your comments to the Planning Department no later than January 25, 2010. The public hearing is scheduled for February 2, 2010 at 7:45 PM.

If you have any questions, please call the Planning Department at 264-9636

Review Comments: Please be advised that I have
no comment regarding the site.
There may be a need to consider usage for public
safety applications. However, I would defer to our
IT Director as to his opinion on that need.

Signature: Robert C. Ling, Fire Chief

Date: 1/26/10

Roland Bartl

From: Robert Craig
Sent: Tuesday, January 26, 2010 10:31 AM
To: Frank Widmayer; Roland Bartl; Mark Hald
Subject: RE: proposed cell tower at Craig Road

Roland, I would have to give you the same answer relative to our communications and would defer to Mark's opinion.

Bob

Robert C. Craig
Fire Chief
Acton Fire Department
978-264-9645
978-266-2885(FAX)

From: Frank Widmayer
Sent: Tuesday, January 26, 2010 10:08 AM
To: Roland Bartl; Robert Craig; Mark Hald
Subject: RE: proposed cell tower at Craig Road

I'm not sure that a tower in that area of town would help our communications.

I'll defer to Mark's opinion.

Frank J. Widmayer III
Chief of Police
978-263-2911

From: Roland Bartl
Sent: Monday, January 25, 2010 5:55 PM
To: Frank Widmayer; Robert Craig; Mark Hald
Subject: proposed cell tower at Craig Road

Reminder that the hearing starts (and me end) on 2/2 - Tuesday next week.

So far I have no comment from any of you.

Do we need an additional tower location for Town communication equipment?

Roland Bartl, AICP
Planning Director
472 Main Street
Acton, MA 01720
(978) 264-9636

1/26/2010

Kim DeNigro

From: Justin Snair
Sent: Monday, January 25, 2010 11:29 AM
To: Planning Department
Cc: Doug Halley
Subject: 5-7 Craig Rd Review

The Health Dept. has reviewed the application for 5-7 Craig Rd and has the following comments:

- Prior to operation, an application for a Hazardous Materials Control Permit must be submitted to the Health Dept. for review.
- If applicable, no permanent structures may be placed on any sewage disposal system.

Regards



Justin T. Snair
Environmental Health Agent
Health Department
Town of Acton
P: 978-264-9634
F: 978-264-9630



Public Health
Prevent. Promote. Protect.

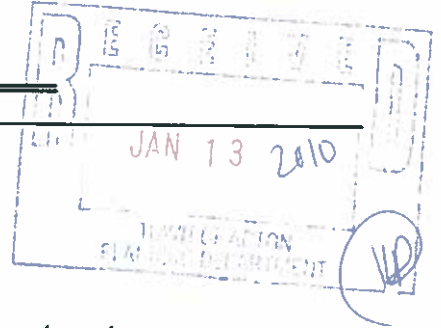
1/25/2010

5-7-11
3-1-11

ACTON PLANNING DEPARTMENT

Inter-departmental Memo

978-264-9636



Date: December 18, 2009

To: Assessors
Conservation Commission
Fire Department
Municipal Properties
Water District
Historical Commission ✓

Building Commissioner
Engineering Administrator
Health Department
Police Department, fyi
Information Technology Department
Town Manager's Office, fyi

From: Kim DelNigro, Secretary *(initials)*

Subject: Review of a Wireless Communications Facility Special Permit at 5 - 7 Craig Road

Attached is an application for a Special Permit for a Wireless Communications Facility – 5-7 Craig Road. General information about the address is as follows:

Location: 5-7 Craig Road
Applicant: SBA Towers II, LLC
Address: 5900 Broken Sound Parkway
Boca Raton, FL 33487
Record Owners: Palmer Realty
5-7 Craig Road
Acton, MA 01720
Attorney for Applicant: Kevin S. Ericksen, Esq.
Area of site: 3.65 acres
Map: H-4
Parcel: 45 & 13
Zoning: LI
Decision Date: May 3, 2010

Please review the enclosed application and send your comments to the Planning Department no later than **January 25, 2010**. The public hearing is scheduled for **February 2, 2010** at 7:45 PM.

If you have any questions, please call the Planning Department at 264-9636

Review Comments: We will submit comments 1/28/10. We feel that the Sun. + Mon 1/25 is not sufficient time after the 1/23 Balloon test.
In any case we will be concerned about the vista + possible use of a steered tower.

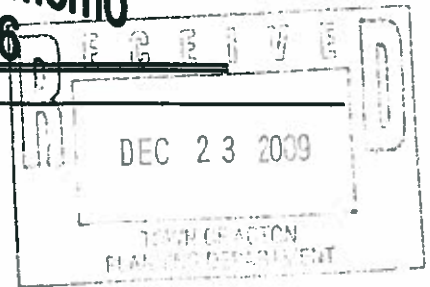
Signature: Victoria Bryant Date: 1/13/10



ACTON PLANNING DEPARTMENT

Inter-departmental Memo

978-264-9636



Date: December 22, 2009

To: Steve Barrett, Finance Director (KD)

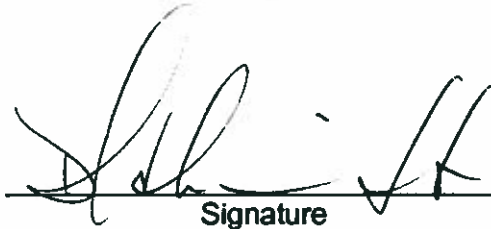
From: Kim DelNigro, Planning Department Secretary

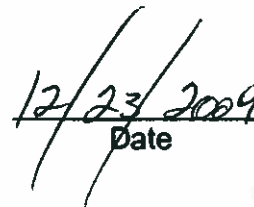
Subject: Review of a Wireless Communications Facility Special Permit for property located at 5-7 Craig Road - H-4/13 & 45

The Planning Board has received an application for the above referenced application and is scheduled to hold a public hearing on February 2, 2010. Please advise the Board of any delinquent taxes owed on the property at this time. If any property taxes are overdue, the Planning Board will include a condition requiring tax payment in their decision.

☒ No property taxes ^{past} due at this time.

☐ The following property taxes are overdue at this time:


Signature


Date

Thank you for your attention to this request.



Planning Department

TOWN OF ACTON
472 Main Street
Acton, Massachusetts 01720
Telephone (978) 264-9636
Fax (978) 264-9630
planning@acton-ma.gov
www.acton-ma.gov

December 21, 2009

Ms. Maureen A. Taylor, Architectural Historian
EBI Consulting
21 B Street
Burlington, MA 01803

Re: 5 Craig Road, Acton, MA
MA11845-S/Acton 2
EBI Project #61096392

Dear Ms. Taylor:

Thank you for the Invitation to Comment (dated 12/11/09) on the proposed installation of a 170-foot telecommunications tower at 5 Craig Road in Acton. I have no comment at this time. The Acton Planning Board is the Special Permit Granting Authority for this type of facility. It will hold a public hearing on February 2, 2010 and, depending on need, continue such hearing until all relevant evidence is heard.

To the extent that this office may have substantive comments related to the proposed project's potential effects on historic properties, the appropriate time to convey them would be after the close of the Planning Board's public hearing. Therefore, I request that any proceedings and investigations under Section 106 of the National Historic Preservation Act remain open for input until the hearing has run its course.

In the meantime, I trust that the Acton Historical Commission will provide you with specific comments within the 30-day time frame you had requested. I understand that the Commission has also received a copy of your request for comments.

Sincerely,

Roland Bartl, AICP
Planning Director

Cc: Historical Commission
Town Manager
Planning Board

December 11, 2009

Acton Planning Department
c/o Roland Bartl, Director
472 Main Street
Acton, MA 01720



Subject: Invitation to Comment
MA11845-S/Acton 2
5 Craig Road, Acton, MA
EBI Project #61096392

Dear Mr. Bartl:

Pursuant to Section 106 of the National Historic Preservation Act, the regulations promulgated thereunder and interagency agreements developed thereto, EBI Consulting, Inc. on behalf of SBA Network Service, Inc., provides this notice of a proposed telecommunications facility installation at the address listed above.

EBI would like to inquire if you would be interested in commenting on this proposed project. Please refer to the attached Project Summary Form for complete details regarding this proposed project.

Please note that we are requesting your review of the attached information as part of the Section 106 process only and not as part of the local zoning process. We are only seeking comments related to the proposed project's potential effect to historic properties.

Please submit your comments regarding the proposed project's potential effect on historic properties to EBI Consulting, to my attention at 21 B Street, Burlington MA 01803 or contact me via telephone at the number listed below. Please reference the EBI project number. We would appreciate your comments as soon as possible within the next 30 days. Please do not hesitate to contact me if you have any questions or concerns about the proposed project.

Respectfully Submitted,



Ms. Maureen A. Taylor
Architectural Historian
Phone: 781-418-2325
E-Fax: 781-418-2375
Email: mtaylor@ebiconsulting.com

Attachment A - Project Summary Form
Attachment B - Figures, Drawings, and Maps

Project Summary Form

EBI Project Number: **61096392**

TCNS Number: 57310

Site Name: Acton 2

Initiated 10/30/2009

Site Number: MA11845-S

(FCC Reference No. for Native American Indian Tribes)

Site Address: 5 Craig Road
Acton, MA 01720

Site Locus: N 42° 28' 2.71" and W 71° 25' 7.82"
Acton, MA USGS Topographic Quadrangle

Subject Property: Consists of an approximately 1.07 acre lot. The Subject Property is unimproved and currently serves as a parking lot for the adjacent moving and Storage Company. The Subject Property is located approximately 750 feet northwest of the intersection of Craig Road and School Street.

Project Description: SBA Network Services, Inc. proposes to construct a tower facility on the northeastern portion of the Subject Property. The tower facility will include a 170-foot monopole located within a fenced compound on a 100-foot by 100-foot lease area. An existing 12' access drive will be improved as needed from Craig Road to the tower area.

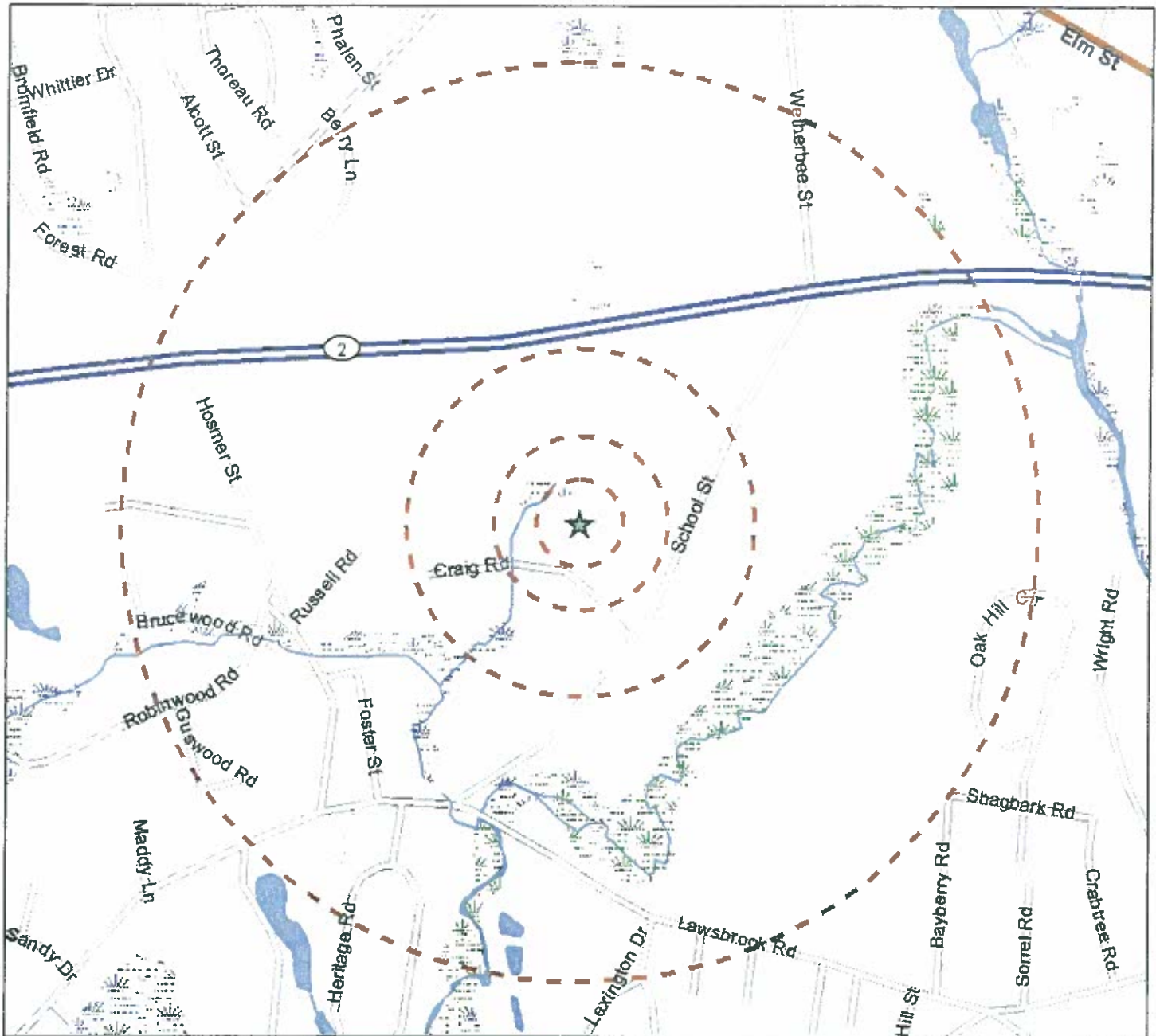
Ground Disturbance: YES

Ground disturbance will occur for the pouring of the foundation at the monopole site, and for the installation of the chain link and utilities.

Additional Information: None

Please see the cover letter for contact information. Feel free to contact EBI with any questions.

– Thank you



Legend

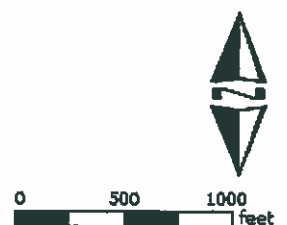
- ★ Project Site [Dashed Line] Site Buffer at 250', 500', 1000' and 1/2 mile

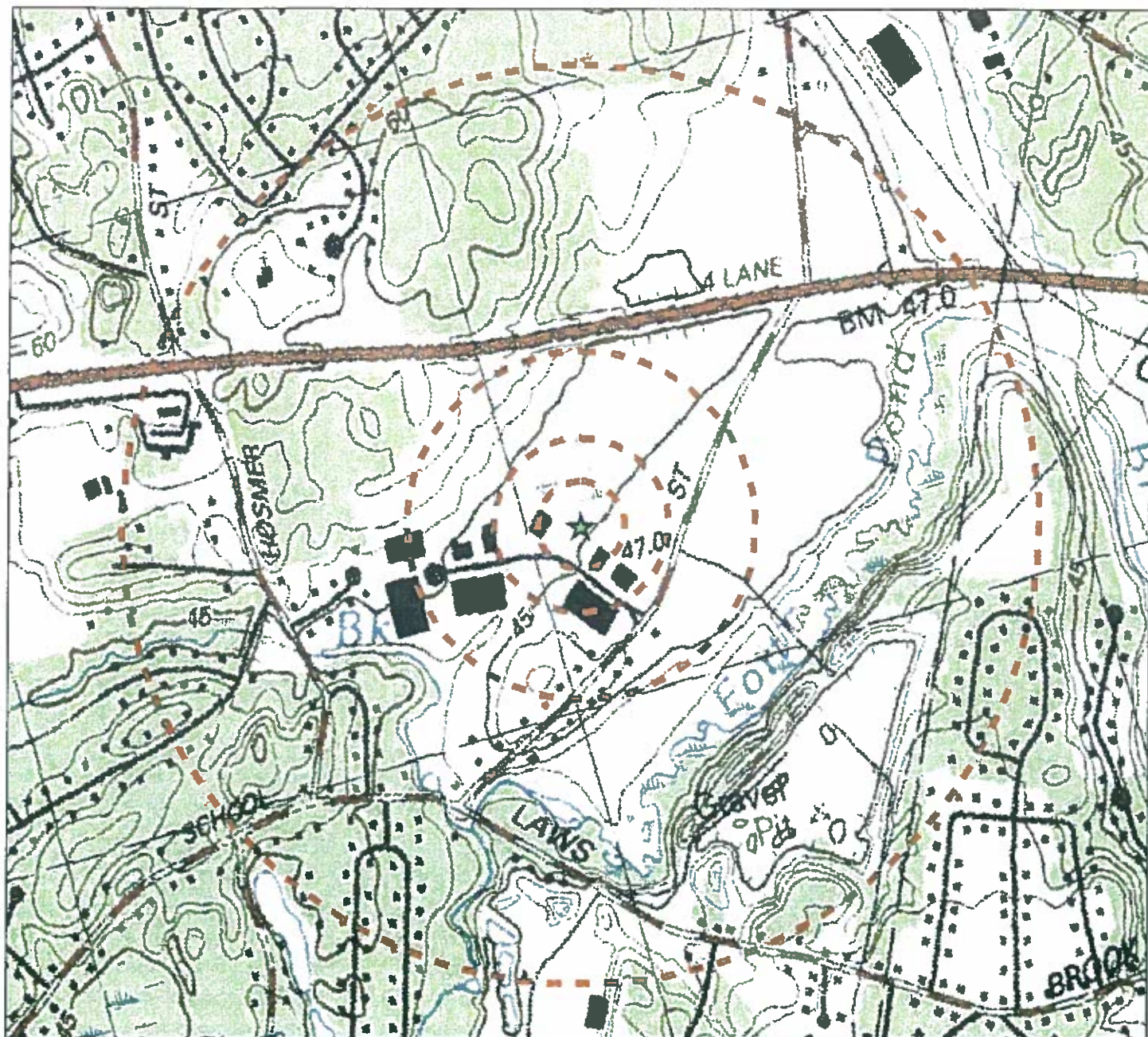
Source: Selected data from ESRI, EBI and NWI

Figure 1 - Site Location Map

MA11845-S/Acton 2
5 Craig Road
Acton, MA

PN: 61096392





Legend

★ Project Site [Dashed Orange Line] Site Buffer at 250', 500', 1000' and 1/2 mile

USGS 24k Quad: Maynard, MA 1981

Source: Selected data from ESRI, EBI and USGS

Figure 2 - USGS Quad Location Map

MA11845-S/Acton 2

5 Craig Road

Acton, MA

PN: 61096392



0 500 1000 feet

ACTON MUNICIPAL PROPERTIES DEPARTMENT

INTERDEPARTMENTAL COMMUNICATION

To: Kim DelNigro, Planning Department Secretary *Date:* 12/21/09
From: Dean A. Charter, Municipal Properties Director (PAC)
Subject: Review of Wireless Communication Facility Permit, 507 Craig Road

I have reviewed the landscape plan submitted and visited the site of the proposed cell tower. Obviously a row of four foot tall Eastern Red Cedar trees will not hide a cell tower, but they will visually diffuse the mass of the buildings and chain link fence proposed for the site. Given that this proposed tower will be in an industrial park, I feel the proposed landscape material will be adequate.



ACTON PLANNING DEPARTMENT
Inter-departmental Memo
978-264-9636

Date: December 18, 2009

To: Assessors
Conservation Commission
Fire Department
Municipal Properties
Water District
Historical Commission
Building Commissioner ✓
Engineering Administrator
Health Department
Police Department, fyi
Information Technology Department
Town Manager's Office, fyi

From: Kim DelNigro, Secretary *KD*

Subject: Review of a Wireless Communications Facility Special Permit at 5 - 7 Craig Road

Attached is an application for a Special Permit for a Wireless Communications Facility – 5-7 Craig Road. General information about the address is as follows:

Location: 5-7 Craig Road
Applicant: SBA Towers II, LLC
Address: 5900 Broken Sound Parkway
Boca Raton, FL 33487
Record Owners: Palmer Realty
5-7 Craig Road
Acton, MA 01720
Attorney for Applicant: Kevin S. Ericksen, Esq.
Area of site: 3.65 acres
Map: H-4
Parcel: 45 & 13
Zoning: LI
Decision Date: May 3, 2010

Please review the enclosed application and send your comments to the Planning Department no later than **January 25, 2010**. The public hearing is scheduled for **February 2, 2010** at **7:45 PM**.

If you have any questions, please call the Planning Department at 264-9636

Review Comments: *I have no comments at this time. If the tower is approved and then a building permit is applied for I will review the plans for compliance with MA State building code at that time*

Signature: *Frank Rinaldi* Date: *12/18/09*